

HABITAT CONSERVATION ADVISORY COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A **regular meeting** of the Habitat Conservation Advisory Committee (HCAC) was held in the Washington City Council Chambers on **September 27, 2016**.

Committee members present were:

Chris Blake, Chairman
John Bramall, Vice Chairman
Larry Crist
Dawna Ferris-Rowley
Chris Hart
Marc Mortensen

Environmental Organization
Mayors Association
U.S. Fish & Wildlife Service (USFWS)
Bureau of Land Management (BLM)
Local Development
Citizen-at-Large

Absent and excused was:

Henry Maddux

Utah Dept. of Natural Resources (UDNR)

Also present were:

Lynn Chamberlain
Lacey McIntyre
Cameron Rognan
Julie Applegate
Eric Clarke
Kirk Willey
Bette Arial
Adam Snow
Jessica Mousley
Chris Gorzalski
Susan Crook
Lisa Rutherford
Paul Van Dam

HCP Administrator
Washington County HCP – Recorder
Technical Committee (HCP)
St. George News
Deputy Washington County Attorney
Local Developer
St. George City Councilwoman
Representative Chris Stewart's Office
Sentierre
Conserve SW Utah
Citizen's for Dixie's Future
Citizen
Citizen

1. CALL TO ORDER

Chairman Chris Blake called the meeting to order at 1:00 p.m. noting that a quorum was present.

2. CONSENT AGENDA

The Consent Agenda is a means of expediting routine matters which come before the committee for approval. The consent portion of the agenda is approved by one (1) non-debatable motion. If any member wishes to remove an item from the consent portion of the agenda, then that item becomes the first order of business on the regular agenda.

- a. Approval of Agenda**
- b. Review and Approve Regular and Work Meeting Minutes**

Approved HCAC Meeting Minutes – September 27, 2016

1. **August 23, 2016 and September 20, 2016**
- c. **Next Meeting Date**
 1. **October 25, 2016**

MOTION by Larry Crist to approve the Consent Agenda.
Seconded by Dawna Ferris-Rowley.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

3. **DECLARATION OF CONFLICTS OF INTEREST**

- a. Dawna mentioned she may have conflict with item 6-a.

4. **PRESENTATIONS**

a. **Tortoise Habitat Restoration Project Update – Ann McLuckie**

Ann McLuckie presented an update on an ongoing project with the University of Nevada, Las Vegas (UNLV) regarding desert tortoise habitat restoration in burned areas (Exhibit 4-a-1). There are two 100 acre restoration polygons, one in the Red Cliffs National Conservation Area and one in the Beaver Dam Wash Conservation Area. There have been local, native seeds collected and UNLV is growing 10,000 plants that will be delivered in November. The BLM has hired ACE crews to construct individual plant cages and begin the plantings in mid November. There are volunteer opportunities through SUNCLF for the public to help with the planting project. This is the largest research project of this type in the Mojave Desert.

b. **Update on Diamond Valley access road proposal – Kirk Willey**

Kirk Willey presented Exhibit 6-a-1 as an update on his proposed access road in Diamond Valley. He began with an overview of his project, which he discussed with the HCAC last month and has been speaking with the Technical Committee about for a year. He discussed the need for this access road in relation to a new development he has planned. The development is planned as a long, thin shaped area of land with currently only one access point on the north end of the development. Another access route is necessary to meet the International Fire Code requirements for a development of this size. Mr. Willey mentioned the road would reduce emergency vehicle response times, serve as an alternate access route if something were to happen on SR-18, and improve basic traffic design allowing for egress/regress from multiple points and directions. He mentioned he sought a variance from the county, as suggested by the TC, but was denied. That denial letter along with letters of support from the State of

Utah Department of Natural Resources, State of Utah Department of Transportation, and SITLA are included in Mr. Willey's exhibit.

Mr. Willey also mentioned portions of the Cinder Cone Trail and the Owen's Loop Trail are located on his private property. He is willing to work with the Reserve and Snow Canyon State Park to make sure the public continues to have access to those trails. The land containing a portion of the Owen's Loop Trail is approximately 2.25 acres in the Reserve/NCA that, in the context of this deal, he is reluctantly willing to donate to the NCA.

Mr. Willey also spoke about mitigation. He did not agree with the Technical Committee's assessment of a 5:1 ratio for mitigation, but he said he will accommodate that if necessary. He found an 11 acre piece of land in Leeds, sharing about a 1,300 ft. border with the Reserve, that he hopes can be added to about 9 acres of his property in Diamond Valley to serve as mitigation for this proposed road.

5. UTILITY AND DEVELOPMENT PROJECTS

a. None

6. GENERAL BUSINESS

a. Discussion and possible action on Diamond Valley access road proposal

The committee began discussing the mitigation ratio and if the mitigation should be assessed at acre to acre or habitat quality to habitat quality. Mayor Hart expressed disdain with the 5:1 ratio when the quality of Mr. Willey's proposed road area does not appear to be prime habitat. Larry suggested the TC look at the total package of Mr. Willey's proposal, including the new mitigation option in the Leeds area. If the total package provides a net conservation benefit for the tortoise, it should be discussed further.

Cameron Rognan from the TC gave the HCAC their official recommendation. The first motion the TC made was to recommend the HCAC have a formal evaluation of this project and a vote to decide if a new road in the Reserve is legal within the framework of the HCP. If the HCAC determines it is not, the motion ends. If yes, there will be a follow up recommendation from the TC. The follow up recommendation was a recommendation of a 5:1 ratio for mitigation. There was some discussion and disagreement on the ratio, however, in the end the TC did agree upon the 5:1 ratio. TC member Nathan Brown discussed how, separate from what happens at this meeting, the BLM and Fish and Wildlife Service still have to complete their processes. He reiterated the TC would like the HCAC to interpret the HCP and vote on whether a new road in the Reserve is in the spirit and intent of the HCP, a document that does not

discuss the construction of new roads. Cameron asked for the committee to give specific guidelines for the TC to follow for their assignment, if this is sent back to the Technical Committee. The TC needs firm guidance.

Larry mentioned a new paved road in this location was not envisioned in the HCP. If there were to be an amendment that would allow for something like this it would have to show a clear net benefit for the desert tortoise and Reserve.

MOTION by John Bramall that, due to Mr. Willey's proposal, there may be potential for this project to provide a net benefit to the tortoise and therefore this issue should be sent back to the TC to consider Mr. Willey's full proposal.

Seconded by Chris Hart.

Discussion: None.

Vote was taken: Dawna Ferris-Rowley was recused. All other members voted aye.

Motion passed.

b. Update on land acquisition efforts – Dawna/Lynn

Lynn mentioned the bids on the HALS and archeological work for the Long Valley Exchange have been opened and contracts have been awarded.

Also, there are plans for SITLA lands to be traded out. Some of SITLA's highest priorities for trade are within the Reserve.

Dawna mentioned Mr. Doyle has signed purchase agreements for 9.2 acres of his property within the Reserve.

Appraisal work for the Babylon parcel was conducted in August. That acquisition is moving forward.

The Long Valley exchange will be signed by the Director and move to the protest period.

c. Update on permit renewal – Larry/Lynn

Larry Crist mentioned there was a work meeting on September 20th during which members of the committee discussed the processes involved in moving forward with the permit renewal. Larry committed that the summary report will be completed by October 14th. It was agreed that the committee would have a work meeting on October 25th, after the regular HCAC meeting, to begin going through the existing implementation agreement line by line for discussion and updating.

d. Discussion and possible action on the HCP 2017 budget

Lynn Chamberlain showed the draft HCP 2017 budget document (Exhibit 6-d-1). He discussed a few changes such as an additional \$25,000 to help with the permit renewal as well as a \$2.9 million line item for a possible new education building. Committee members were leery about having such a large sum of money in the budget for the building. They discussed that issue further and decided, for now, to put \$100,000 in the education center account to cover realistic costs for continuing to move forward with the planning for the building. Mayor Hart also suggested the \$25,000 for the permit renewal be moved from the miscellaneous account to a new account. Dawna mentioned the \$15,000 line item for the BLM Realty Specialist is not included, though it should be for 2017.

MOTION by Chris Hart to amend the budget by adding \$15,000 for account 445 (BLM Realty Specialist), change account 742 (Education Center) from \$2.9 million to \$100,000, and remove \$25,000 from account 610 (Miscellaneous) and place that money under a new account for the permit renewal.

Seconded by John Bramall.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

e. Technical Committee Report

Cameron Rognan mentioned the committee discussed the Sentierre trail proposal. The section of the Toe Trail east of Tuacahn Drive Mayor Hart would like to remain open is the 1,400 ft. section connecting to Tuacahn Drive. Cameron believed that was the portion Snow Canyon may close. Mayor Hart reiterated he would like the 1,400 ft. section to remain open. He will speak with Kristen Comella at Snow Canyon State Park and clarify.

f. HCP Administrator's Report

Lynn had nothing to report.

7. PUBLIC COMMENT

This item is reserved for items not listed on this agenda. No action may be taken on a matter raised under this agenda item (three minutes per person).

- a. Lisa Rutherford discussed her feelings, fully explained in Exhibit 7-a-1, regarding the possible new education center as well as Mr. Willey's access road proposal. She is concerned about the cost of the education center and discussed where that money could be allocated instead. She also believes allowing Mr. Willey, a private citizen, to build a road through the area sets a

bad precedent for a Northern Corridor through the Reserve/NCA, and she strongly opposes the Northern Corridor.

- b. Paul VanDam seconded Ms. Rutherford's comments and mentioned he is concerned about the \$2.9 million dollar education center as well as the existing and future traffic situation on Red Hills Parkway.

8. **MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS**

- a. None

9. **ADJOURN**

MOTION by John Bramall to adjourn the meeting.

Seconded by Chris Hart.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 3:15 p.m.
Minutes prepared by Lacey McIntyre.